IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO :34791 of 1997

Dated: 13.03.2007

Between:
S.Madan Mohan Rao, S/o Chandrasekahr Rao,
42 years, Proprietor, Sakti Hardware shop,
Chowk bazaar, Srikakulam.

..... PETITIONER

AND

1. The Assistant Commissioner of Labour
   (Authority under Section 20 of M.W.Act 1948)
   Srikakulam.
2. K.Lakshminarayana, represented by Assistant
   Labour Officer, Circle I, Srikakulam.
3. First Class Judicial Magistrate (Executing
   Authority under M.W.Act 1948), District Court
   Complex, Srikakulam. … RESPONDENTS

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.34791 of 1997

ORDER:

This writ petition is filed seeking quashing of the order dated 21.11.1996 passed in M.W.Case No.98 of 1996 by the 1st respondent-Assistant Commissioner of Labour and also consequential proceedings in Crl.M.P.No.991 of 1997 passed by the 3rd respondent.

While admitting this writ petition, this Court, on 27.08.1999, granted interim stay of all further proceedings in Crl.M.P.No.991 of 1997 in furtherance of the order dated 21.11.1996 passed in M.W.Case No.98 of 1996, on condition of the petitioner depositing half of the demanded amount within a period of four weeks from the date of receipt of the said order.

A detailed counter-affidavit has been filed on behalf of respondents 1 and 2 stating that the petitioner was convicted and sentenced to pay a fine of Rs.300/- in S.T.C.No.3 of 1997 on the file of the

Special Judicial Magistrate of Second Class, Srikakulam, for violating the provisions of the Minimum Wages Act.

Heard both sides.

Having regard to the statement made in the counter-affidavit that the petitioner was convicted in S.T.C.No.3 of 1997 and he has not made any mention about the said fact in the affidavit filed in support of the writ petition, this Court is of the view that the petitioner has not approached this Court with clean hands. Further the learned Counsel for the petitioner expressed his inability as to whether the petitioner has complied with the aforesaid interim order passed by this Court or not. On both these grounds alone, the writ petition deserves to be dismissed.

The writ petition is accordingly dismissed. No costs.

_____

(GOPALA KRISHNA TAMADA, J)

13-03-2007
Gsn.